

April 14, 2015

Mr. Robert Kaplan  
Deputy Regional Administrator  
US Environmental Protection Agency, Region 5  
77 W Jackson Blvd (Mail Code R-19J)  
Chicago, IL 60604-3507

Dear Mr. Kaplan:

Thank you for the opportunity to meet last week and review our current permitting status. We appreciate both you and George allowing us to directly voice our concerns.

As discussed, Veolia is the only commercial HWC in Region 5 that has not failed a CPT or had final Agency action taken against it. Our concern is that despite this fact, USEPA is attempting to require Veolia to install unverifiable (as compared to method 29) monitoring equipment at a great expense. USEPA's actions place Veolia at a competitive disadvantage to its two primary competitors, both of whom are located in Ohio (i.e. also in Region 5) and, unlike Veolia, have failed CPTs and had final Agency action taken against them.

George stated during our meeting that the Agency is requiring Veolia to install such expensive, experimental monitoring equipment because the Agency believes Veolia services more small, "one off" type customers than either of Veolia's Ohio competitors. The Agency's belief does not justify its actions against Veolia and is, in fact, inaccurate.

A Feedstream Analysis Plan ("FAP") is designed to accurately characterize the nature of incoming waste streams fed to the incinerators. The Agency's regulations contemplate a FAP being equally applied to all waste, regardless of whether the waste is generated by a large quantity generator ("LQ") or a "one off" type customer. Veolia has offered to enhance its existing FAP in order to provide the Agency with the assurances that it seeks or adopt either of Veolia's Ohio competitor's FAPs which the Agency apparently believes provide the assurances the Agency seeks.

Further, the Agency's assertion that Veolia's customer base is in some fashion fundamentally different than either of Veolia's Ohio competitors is inaccurate. Based on publicly available data and as reflected in the table below, all three Region 5 commercial HWC's service the same type of industries and, in many cases, the identical customers based on competitive bidding results:

	Tons Incinerated <sup>1</sup>		Number of LQ Customers	Tons <sup>2</sup> Received from LQ Generators	Tons Non- Haz & Small Qty Gen "one off"	% Small "one off"
	2011	2012				
Veolia	33K	34K	444	19K	15	44.1%
Heritage/WTI	61K	62K	602	33K	29	46.8%
Ross	74K	75K	773	32K	43	57.8%

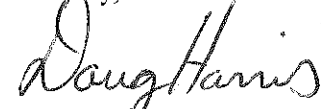
The information demonstrates Veolia receives and incinerates approximately 50% of the volume of waste that each of the Ohio incinerators incinerate. Further, all three commercial HWC's in Region 5 receive approximately 50% of their waste from large quantity generators. The remaining 50% for *each* of the incinerators is from non-hazardous/small quantity "one off" generators. Similarly, the number of large quantity generators shipping to *each* of the three commercial HWCs relative to each of the incinerator's volumes processed again supports the similar nature of each of these businesses.

In short, the Agency's requirement that Veolia install expensive, experimental monitoring equipment is not justified given Veolia's record; the Agency's ability to obtain as much information as needed from an enhanced FAP; and the similarity of operations between Veolia, where the Agency is requiring the expensive, experimental monitoring equipment, and Veolia's competitors, where the Agency is not requiring such equipment.

US EPA Region 5 should not misuse its unique position of being the primary permitting authority for Veolia to force Veolia to install unverified monitoring equipment and force Veolia to pay for improvements to a heretofore failed technology that the Agency finds interesting. Rather, Region 5 should abide by the law and follow proper rulemaking in its attempt to impose such technology on the regulated community.

Veolia respectfully requests that the Agency remove the unnecessary requirements for additional unlegislated continuous emission monitoring equipment from its Title V draft permit.

Sincerely,



Doug Harris  
General Manager

cc: Susan Hedman, Region 5 Administrator  
 George Czerniak, Region 5 Director of Air & Radiation Division  
 US Senator Dick Durbin – Dr. Jasmine Hunt  
 US Congressman Mike Bost – Mark Ratto  
 US Congressman John Shimkus – Steve Tomaszewski  
 US Congressman Rodney Davis  
 US Congressman Jerry Costello (ret)

<sup>1</sup> El Digest

<sup>2</sup> EPA Biennial Generation & Management Report